

**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **LIPID-BASED DISPERSIONS USEFUL FOR DRUG DELIVERY** the specification of which:

[ ] is filed herewith.

[X] was filed on July 13, 2006 as Application Serial No. 10/585,915.

[X] was described and claimed in PCT International Application No. PCT/US2005/001149 filed on January 14, 2005 and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

**Application No.**  
PCT/US2005/001149

**Filing Date**  
January 14, 2005

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**Application No.**  
60/536,459

**Filing Date**  
January 14, 2004

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

I hereby appoint the attorneys associated with the customer number listed below to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

**Customer Number: 53684**

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organizations/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Viksnins Harris Padys PLLP to the contrary.

Please direct all telephone calls to ROBERT J. HARRIS at telephone number (952) 876-4092.

Please direct all correspondence in this case to the correspondence address for:

**Customer Number: 53684**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of inventor: **Ning Hu**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

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United States of America

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San Gabriel, CA 91775

Full name of inventor: **Gerard M. Jensen**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

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United States of America

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Brea, CA 92821

Full name of inventor: **Stephanie Yang**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

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United States of America

4947 North Willmonte Avenue

Temple City, CA 91780

Full name of inventor: **Chiang Su-Ming**

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

West Hills, California

United States of America

2209 Napa Street

West Hills, CA 91304

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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Full name of inventor: Ning Hu

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Address: San Gabriel, California  
Citizenship: United States of America  
Post Office Address: 8539 East Fairview Avenue  
San Gabriel, CA 91775

Full name of inventor: Gerard M. Jensen

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Address: Brea, California  
Citizenship: United States of America  
Post Office Address: 1020 Lockhaven Street  
Brea, CA 92821

Full name of inventor: Stephanie Yang

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Address: Temple City, California  
Citizenship: United States of America  
Post Office Address: 4947 North Willmonte Avenue  
Temple City, CA 91780

Full name of inventor: Chiang Su-Ming

Inventor's Signature: Chiang Su-Ming Date: Oct. 10, 2008  
Residence Address: West Hills, California  
Citizenship: United States of America  
Post Office Address: ~~2209 Napa Street~~ 22009 Napa Street SMC  
West Hills, CA 91304

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